

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

DENNIS GRIGSBY,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. 2:13-CV-00221

CRIM. NO. 10-CR-105

JUDGE EDMUND A. SARGUS, JR.

Magistrate Judge Elizabeth A. Preston Deavers

OPINION AND ORDER

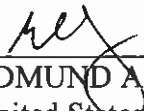
On March 19, 2013, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed without prejudice as premature. Petitioner has filed *Objections* to the Magistrate Judge's *Report and Recommendation*.

Petitioner complains that the Magistrate Judge failed to address the merits of his claims. He again argues that he is unconstitutionally being detained without a trial or sentencing hearing after being found incompetent to stand trial on charges of unarmed bank robbery. He maintains that he is being involuntarily treated with antipsychotic medication to assist in restoring him to competency in violation of his constitutional rights. As discussed by the Magistrate Judge, however, Petitioner's appeal is currently pending before the United States Court of Appeals for the Sixth Circuit. Criminal proceedings have been stayed pending resolution of that appeal. Although Petitioner may seek relief under 28 U.S.C. § 2241, he must first seek relief in the Court of Appeals for the Sixth Circuit, or at trial, should the stay in his case be lifted and criminal proceedings against him are renewed.

Pursuant to 28 U.S.C. § 636(b), this Court has conducted a *de novo* review. For the reasons already detailed in the Magistrate Judge's *Report and Recommendation*, Petitioner's *Objections*, Doc. 7, are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This action is hereby **DISMISSED** without prejudice as premature.

Petitioner also has filed a *Request for Production of Documents and Inspection of Tangible Items Seized for Evidence*. Doc. 8. He requests "the complete search log on the LEXIS NEXIS computer database at Oklahoma and New York" during his incarceration, copies of entire cases; bank videos obtained from all five robberies; viewing of dye stained money, water bottles, and photographs that may be submitted to a jury; a copy of the Ohio Uniform Commercial Code; his complete medical record from the Bureau of Prisons; and any court room videotapes made during his prior court appearances. PageID #61-62. Petitioner may seek discovery in his criminal case upon reinstatement of that action through counsel. Because the instant § 2241 petition is being dismissed as premature, Petitioner's motion, Doc. 8, also is **DENIED**.

IT IS SO ORDERED.

 4-4-2013

EDMUND A. SARGUS, JR.
United States District Judge